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Hill, Silas H.

Remarks of
Mr. Silas H. Hill
Washington

1854

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REMARKS

OF

MR. SILAS H. HILL,

IN THE BOARD OF ALDERMEN,

OCTOBER 16, 1854,

ON THE APPLICATION OF

THE METROPOLITAN RAILROAD COMPANY

FOR A SUBSCRIPTION OF

\$500,000 BY THE CORPORATION OF WASHINGTON,

IN AID OF SAID COMPANY.

308

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Box 852.

WASHINGTON:

G. S. GIDEON, PRINTER.

1854.

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REMARKS.

MR. PRESIDENT:

The application by the President and Directors of the Metropolitan Railroad Company, for a subscription of half a million of dollars by the Corporation of Washington, to aid in building their road from Georgetown to Hagerstown, Md., is, in every point of view, of such importance as to demand full consideration.

Its proposed route is through parts of Montgomery, Frederick and Washington counties, in Maryland, with which we have already considerable trade and intercourse, intersecting the Baltimore and Ohio Railroad within six miles of the city of Frederick, and thence through said city and over a rich agricultural region, to its fitting shire, Hagerstown,—distance, when the road shall be extended to Washington, of about eighty miles. The estimated cost of the whole road, exclusive of the Washington extension, viz., of the right of way, grading, superstructure, station buildings, and equipment for first year's operations and general expenses, is \$3,715,000; and proportionally from Georgetown to the Baltimore and Ohio Railroad, \$1,850,000.

As a means of facilitating the general railroad travel north and west, for the social and commercial advantages of an expeditious mode of communication with the important section of country through which it is designed to pass, the enterprise is really a meritorious one; and whatever may be the issue of the application now made, no other sentiments than those of respect and gratitude can be entertained towards those engaged in the promotion of such desirable objects.

Nor have the corporate authorities of this city been indifferent to this great undertaking, from its inception to the present time. Through their Congressional Committee they urged a liberal act of incorporation, and made an appropriation of \$3,000 to cover the contingencies of the organization of the company; and in every suitable way, consistently with the means at their disposal, they have been ready, and it is believed will continue so, to advance the purposes of the enterprise.

Originally it was not contemplated to have recourse to either of the District cities for a subscription to the capital stock of the company, and our citizens subscribed in their individual capacity on this assumption. It was supposed the object would command itself to those especially interested, along the whole line of the route, and to capitalists generally, from the advantages of the investment. Was this an unreasonable supposition? Do not the histories of similar enterprises justify this expectation? And now, with an acknowledged subscription of \$500,000, of which 10 per cent. has been paid in, why cannot the road be commenced and carried on gradually to completion, in the mode originally contemplated? It may require more effort, particu-

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larly where, from experience, the effects of railroad enterprises are but little known, and the prosecution of the work may be somewhat retarded, but all analogous cases show that it would ultimately succeed.

One of the two modes, *individual* or *city and town* subscriptions, must evidently be adopted and adhered to; either will exclude the other. Individuals will not embark in an enterprise to any great extent, so long as an apprehension exists that the controlling power of municipal corporations will be enlisted; nor, on the other hand, will those corporations be likely to interfere in extensive investments of their own constituencies.

The advantages of a municipal endorsement to an undertaking of this kind are too obvious to escape the notice of an intelligent Directory. Originally, with comparatively little labor it secures at once the prosecution of the work; and even if its completion be not thus placed beyond contingency, it presents a substantial basis for financial negotiation.

But to this course, Mr. President—to a subscription in aid of the Metropolitan Railroad Company by the Corporation of Washington, as asked for, or in aid of any other railroad enterprise beyond the limits of this city—weighty and insuperable objections exist in my mind, some of which I will state as concisely as the subject will admit.

It is in direct contravention of the purposes for which a city government was formed. These purposes were simply the necessary performance of certain duties of a local and general character, as could not well or easily be performed by the citizens in their individual capacity—as the opening and care of streets, the establishment of markets, of schools, of police, sanitary and commercial regulations, &c cetera—all strictly of a local nature. They parted with so much of their natural and social rights as was necessary for these specific objects, but no more—not an iota beyond. The sovereign power does not, and cannot, reside in a municipality; and hence in all acts of incorporation by State legislatures, and in our own case by Congress acting as our local legislature, the rights, duties, and sphere of operation of the municipal authority is specifically and carefully expressed. It follows, of course, that any acts going beyond this delegated power, are not only in contravention of its authority, but are and must be declared null and void. No one raises any question respecting the Corporation in the exercise of its legitimate duties; but who shall add or abstract from its essential powers, but the sovereign authority itself? Now, in the enumeration of its powers in the charter, where can the authority be found for the corporate authorities of this city to make, in whole or in part, a railroad in the State of Maryland, or any where else beyond the limits of the city of Washington? Or is the right fairly deducible from any express grant, or from the general scope and meaning of the act of incorporation? Clearly not; and it is not doubted that an act of Congress will be necessary, as in the case of the Chesapeake and Ohio Canal, giving the Corporation authority to make the required subscription, even in case our constituents should formally and with

unanimity sanction the measure. There is a prohibition in the charter against “an increase of the funded debt of the city, unless by consent, given at an annual election, of two-thirds of the legal voters.” But this has reference solely to debts incurred in the exercise of the ordinary or undoubted powers of the charter, and a salutary check on them, and not an extraordinary, unlimited grant of power, and consequently of taxation for any purpose and to any extent, discretionary with the Councils and a popular two-third vote.

It is a violation of the rights of property. The design of all government is the safety of persons and the security of property. Its policy with the latter is to render its legitimate use free and untrammeled to its possessor, to impose only such burdens as the exigency of public service requires, and in all cases to avoid unnecessary interference with individual rights and individual enterprise. Yet if our city government, with the ostensible or real view of advancing trade and public convenience, embark to the extent of a half million dollars to-day in this enterprise, when the intimations are pretty decided, in the recent able report of the Directors, that more will be required hereafter, and a like sum to-morrow to one of the two Virginia roads, already urgently commended to our favorable consideration; it will disturb the relations of property in this city vastly, and violate boldly some of its essential rights. Private enterprise now seeks the ordinary channels of trade, and capital accommodates itself reciprocally to its wants, and this process, though it may be slow, is healthy and remunerating. But the Corporation, giant-like, carves out one or two new channels of trade, and seizing on the wealth of the community, puts it under heavy contribution to its favorite schemes; and, as the personnel of the Corporation undergoes an annual change, our successors may, with perhaps equal propriety, follow the ignis fatuus of what is often misnamed public enterprise in another direction. Should, however, the corporate authorities confine their benefactions to the enterprises now projected and under consideration, I presume ultimately the aggregate involvement will amount to about two millions of dollars. This presents a very serious view of the questions at issue. A mortgage of two millions on all the private property of the Federal city, in addition to the present debt of nearly \$800,000, incurred mostly under the pleasing name of public enterprise, and for which, unfortunately, we have but little “substantial good” to show,—a mortgage to remain in all its length and breadth, whatever disaster may befall the enterprise, whatever contingency or competition may blight its fruit,—I say it is a *precipice*, standing on the brink of which, we may well *pause and reflect*!

It is true, that under the sanction of their respective State Legislatures, other cities have, of late years, embarked largely in schemes of internal improvement beyond their immediate limits, though none have gone, to my knowledge, into a jurisdictional domain foreign to their own. But it was a prodigious departure from the acknowledged purposes of their organic law, and under the stimulating power of an aggrandizement not offered to us, their property-holders have mostly acquiesced. The full consequences, however, even to them, are yet

to be realized. Nor can any plea of a quasi necessity be urged on us, as was pressed with great force on them. Our position is admirable in respect to all the great elements of trade, commerce and general intercourse. Our navigation sweeps uninterruptedly through deep waters three hundred miles to the ocean; the great lines of intercourse from the South and Southwest pass through the heart of the city directly on to the lakes of the North, or to the northeastern verge of the Union, with but a slight angle of deflection from the central thoroughfares running on to the far West.

Again, independent of these considerations, *the city of Washington cannot engage in these railroad enterprises, even were her ability conceded, without great detriment to imminent interests of vital importance.* Unlike other cities, expanding from the nucleus of its original settlement year by year, through the lapse of a century and upwards, she has hardly yet emerged fully from a state of infancy; and this too, from the first, in painful efforts at accommodating herself to the entire locality. Her first generation has not yet passed away, distinguished alike for energy and public spirit; and in view of the difficulties overcome and the means at their disposal, they certainly accomplished, in the main, a vast deal of good. But, obviously, very much remains to be done connected with our comfort, the public convenience, and the constantly increasing wants of our rapidly growing population—quite as much, in view of the pecuniary burdens already incurred, is commensurate with our ability. There is not a single street that is paved, lighted, and supplied with sewers and shade trees, throughout its whole length; not a city square of ground enclosed and improved, for the comfort and recreation of the citizen; not a public building of any kind, whether for municipal offices, for markets, for schools, or otherwise, is, in architectural appearance or for ordinary convenience, at all befitting its use and reasonable demands; even for the great element, water, we are entirely dependent on the few natural springs, scattered widely, and daily becoming the more inadequate for increasing wants. Then, for educational purposes, for various benevolent institutions for the orphan and the destitute, to reform the wayward and the erring, and the various other means of moral and physical advancement, we are lamentably deficient. Then, it should be remembered, the plan of the city, adapted for national uses, is an expensive one in its execution, and over the great land owner, the United States Government, we have no control, nor does he in reality bear his proportional share of the public burdens, although they were imposed, in a great measure, by himself. Well, now, considering these well-known facts, with these glaring deficiencies lying at our very doors, and painfully affecting us in every point of view, is it *right*, is it not an *outrage* (ab*usus inuidia*) to apply our accruing revenue, not for the removal of these grievances, not for the moral and physical advancement of our citizens,—but for what? To make a railroad in the State of Maryland, and shortly one or more in the State of Virginia! The interest annually on the present city debt is about \$50,000, to pay which every species of taxable property within our limits is put

under contribution; and now, in addition to this, are our tax-payers willing to meet the contingent annual burden of \$100,000 and upwards, for these foreign improvements?

I know it will be said, and indeed the point has been argued with much ingenuity, that the trade and travel on these projected roads will add greatly to the wealth of Washington, and that the investment of capital will prove highly remunerating.

To this, allow me to reply, that, however great might be the augmentation of wealth by the increased intercourse, this effect could not be general, but partial. Some localities might be improved; some branches of business and particular classes of society would, perhaps, be much benefitted; but here its beneficence would and must end, though the *whole* community have made the sacrifice and must be responsible for its consequences. And if it were absolutely certain that the subscription would be a lucrative one, it would not be right for the city of Washington to engage in it, for the reasons already given. As well might the Corporation embark, for “filthy lucre,” in banking, in insurance, in navigation and manufactures.

An opinion has at times been expressed, that we might venture on this undertaking, and in the event of a disastrous result, we may, by good management, prevail on Congress to relieve us, as on a former memorable occasion. But, in respect to the Chesapeake and Ohio Canal, it should be borne in mind, that the Federal Government led the way, and enticed the District cities into the adoption of a plan and scale of expenditures beyond their means, and thus became morally bound in the premises. This, a partial assumption of city debt, can never be done again, and I fervently hope the Corporation may never be reduced to the humiliating condition of a wretched mendicant, vainly begging any Congress to relieve them from the consequences of their own acts.

Mr. President, I have thus stated the leading objections, in my mind, to this measure. It would be agreeable, on many accounts, to unite with the excellent Board of Directors of the Metropolitan Railroad Company, and with our sister city, Georgetown, in this great enterprise, could we do so in our corporate capacity without violating our organic law and sound principles. But assuredly we cannot, and the sooner the fact is made apparent, the better probably for both parties.

Nor can I vote to submit the question, as proposed, to popular suffrage. It has not been demanded by our constituents, and is of too serious nature, and affects the rights and interests of property too deeply, not merely for the present but for future time, to be thrown unbidden on the mixed issues of an annual election; and at best it is an unjust mode of settling questions of property, for our liberal voting franchise, restricted only by age and residence, cannot be considered a fair exponent of the real interests at stake.

As before remarked, this enterprise of connecting by railway the District with an important part of Maryland, is, in many respects, a meritorious one, and we all desire its consummation in every suitable

way; let it not be supposed that any hostility exists, except to the attempt of involving with it our municipal Corporation.

It appeals with much force to our citizens in their individual capacity. We cannot be insensible to whatever holds out a fair prospect of augmenting the trade and wealth of the city in any of its parts; to devising new means, by which agricultural and other products will reach our rapidly increasing population; to carry back, as on a reflux wave, the fruits of our mechanical skill and the returns of our foreign and domestic commerce. We must not lag behind the spirit of the times and other communities in the onward march of improvement, and allow our peculiar soporific tendencies to lull us into a fatal repose. We must probably retrograde or advance, either to the partial loss of what we possess through commercial rivalry and new works of internal improvement, or to the acquirement, through our united, active exertion, of an expanding trade and an enlarged intercourse. And it is believed, that, when it becomes certain that the Corporation will abstain from any participation in this enterprise as a stockholder, our citizens will individually engage, as they ought, in my apprehension, with energy and zeal, in its successful prosecution.

The Board of Directors of this Company have, with great propriety, applied to Congress for aid in the construction of this work. As peregrine patrie of the District, the appeal is natural, and will, it is hoped, be successful. Other legislatures have usually led the way in devising and prosecuting channels of communication within their respective jurisdiction, and this has always been regarded as one of the great objects of their organization; certainly our own legislature ought not to be expected to do less. If it was right in earlier times to construct a national road through a half dozen States on to the West, or at the present time to make an iron highway to the Pacific ocean, then surely the obligation is stronger to aid an important work of public improvement within their own exclusive domain; and so far as the advantages and conveniences of general intercourse are concerned, the obligation is, in point of fact, stronger on the United States Government than on any one else.

I beg leave, therefore, Mr. President, in reply to the application of the President and Directors of this Company, to introduce the following bill, *viz* :

Joint Resolutions respecting the Metropolitan Railroad Company.

Whereas an application has been made by the President and Directors of the Metropolitan Railroad Company, for a subscription of half a million of dollars by the Corporation of Washington, to aid in constructing said road from Georgetown to Hagerstown, Maryland; therefore,

Resolved by the Board of Aldermen and Board of Common Council, That whilst the enterprise is of acknowledged importance, and which, it is hoped, will be liberally encouraged by our citizens in their individual capacity, it is one which, in our judgment, neither compels with the powers and duties of the corporate authorities, or with the pecuniary means at our disposal, to engage in as proposed.

Resolved, &c., That the committee appointed to represent the interests of this Corporation and community before Congress, be instructed to coöperate with the Directors of said Company, in efforts to secure a national subscription to this work.

**END OF
TITLE**